

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

EUGENE SZYMANSKI,

Petitioner,

Case No. 05-CV-10241-BC  
Honorable David M. Lawson

v.

PAUL RENICO,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION FOR LEAVE TO AMEND HABEAS  
CORPUS PETITION AND DENYING MOTION FOR APPOINTMENT OF COUNSEL**

The petitioner, Eugene Szymanski, presently confined at the St. Louis Correctional Facility in St. Louis, Michigan, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court are the petitioner's motions for leave to amend his habeas corpus petition and for appointment of counsel. The Court will grant the motion for leave to amend and deny the motion for appointment of counsel.

A response to the habeas corpus petition has not yet been filed and is not due to be filed until March 21, 2006. Federal Rule of Civil Procedure 15 permits a party to amend a pleading once as a matter of course at any time before a responsive pleading is served. Therefore, this Court will permit the petitioner to amend his habeas corpus petition as set forth in his motion.

The petitioner also has filed a motion for appointment of counsel. There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may

obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines after careful consideration that the interests of justice do not require appointment of counsel at this time.

Accordingly, it is **ORDERED** that the petitioner’s motion for appointment of counsel [dkt. # 4] is **DENIED**.

It is further **ORDERED** that the petitioner’s motion for leave to amend his habeas corpus petition is **GRANTED** [dkt. # 5]. The petitioner shall file his amended petition on or before **January 12, 2006**.

s/David M. Lawson  
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DAVID M. LAWSON  
United States District Judge

Dated: December 15, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 15, 2005.

s/Tracy A. Jacobs  
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TRACY A. JACOBS